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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,444

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Yorimichi Dairoku

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NIXON & VANDERHYE, PC

901 NORTH GLEBE ROAD, 11TH FLOOR

ARLINGTON, VA 22203

EXAMINER

HUSON, MONICA ANNE

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,444

Applicant(s)

DAIROKU ET AL.

Examiner

Monica A. Huson

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the paper filed 15 October 2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Golander et al. (U.S. Patent 4,840,851). Regarding Claim 1, Golander et al., hereafter "Golander," show that it is known to carry out a method of manufacturing a water-absorbing shaped body (Column 8, line 40), comprising the step of polymerizing an aqueous solution including a photo polymerization initiator and a water-soluble ethylenically unsaturated monomer by radiating light intermittently onto the aqueous solution (Column 2, lines 62-64; Column 7, lines 11-26; Column 8, line 65; Column 9, lines 7-9).

Regarding Claim 2, Golander shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the aqueous solution is polymerized on a surface of another base material (Column 2, lines 55-57).

Regarding Claim 3, Golander shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the aqueous solution before the light is radiated includes a cross linking agent in advance (Column 3, lines 50-57).

Regarding Claim 4, Golander shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the aqueous solution further includes a radical polymerization initiator other than the photo polymerization initiator (Claim 28).

Regarding Claim 6, Golander shows the process as claimed as discussed in the rejection of Claim 1 above, wherein the aqueous solution is shaped into a film shape (Example 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7-11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golander, in view of Vesley et al. (U.S. Patent 6,960,275).

Regarding Claim 5, Golander shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show applying heat after the light radiation. Vesley et al., hereafter "Vesley," show that it is known to carry out a method of making an absorbent article wherein polymerization is furthered by applying heat after the light is radiated (Column 5, lines 16-18, 52-53). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's heat after the light radiation step in Golander in order to perfect the polymerization and fix the article's physical characteristics.

Regarding Claims 7 and 18, Golander shows that it is known to carry out a method of manufacturing a water absorbing shaped body (Column 8, line 40), comprising the step of a first polymerization step of radiating light onto an aqueous solution including a photo polymerization initiator and a water-soluble ethylenically unsaturated monomer, so as to polymerize a part of the water soluble ethylenically unsaturated monomer to thicken the aqueous solution (Column 7, lines 10-17), and a second step of radiating light onto the aqueous solution having a shape so that a rest of the water soluble ethylenically unsaturated monomer is polymerized, the aqueous solution having been shaped and including the polymer as a part thereof (Column 7, lines 18-26). Golander does not show an intermediate shaping step. Vesley shows that it is known to carry out a method of forming an absorbent article including a first polymerization step, a shaping step of stopping radiation of light and shaping the article into a desired shape, and a final polymerization step (Figure 1, element 104, 114, 126; Column 5, lines 41-65; Column 8, lines 21-49). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's intermediate shaping step during Golander's molding process in order to impart the desired physical details to the molded article.

Regarding Claim 8, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, including a method wherein the aqueous solution before the light is radiated includes a cross linking agent in advance (Column 3, lines 50-57), meeting applicant's claim.

Regarding Claim 9, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, but he does not show a shaping step. Vesley shows that it is known to carry out a method of forming an absorbent article including a first polymerization step, a shaping step of stopping radiation of light and shaping the article into a desired shape, and a second polymerization step of the article which is being shaped (Figure 1, element 104, 114, 126;

Column 5, lines 41-65; Column 8, lines 21-49). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's intermediate shaping step during Golander's molding process in order to impart the desired physical details to the molded article.

Regarding Claim 10, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, including a method wherein the aqueous solution further includes a radical polymerization initiator other than the photo polymerization initiator (Claim 28), meeting applicant's claim.

Regarding Claim 11, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, but he does not show applying heat after the light radiation. Vesley shows that it is known to carry out a method of making an absorbent article wherein polymerization is furthered by applying heat after the light is radiated (Column 5, lines 16-18, 52-53). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's heat after the light radiation step in Golander in order to perfect the polymerization and fix the article's physical characteristics.

Regarding Claim 13, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, but he does not show a shaping step. Vesley shows that it is known to carry out a method wherein the shaping step is performed right after the first polymerization step (Figure 1, element 104, 114). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's shaping step after the first polymerization step of Golander's molding method in order to form desired details into the thickened semi-polymerized article.

Regarding Claim 14, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, but he does not show a continuous belt. Vesley shows that it is known to carry out a method wherein the first polymerization step and the shaping step are performed on a continuous belt (Figure 1, element 106). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's continuous belt during Golander's molding process because continuous processes are more efficient and produce more articles per time frame.

Regarding Claim 15, Golander shows the process as claimed as discussed in the rejection of Claim 7 above, wherein the aqueous solution is shaped into a film shape (Example 6), meeting applicant's claim.

Regarding Claims 16 and 17, Golander shows the process as claimed as discussed in the rejection of Claims 6 and 15, respectively, but he does not show a porous article. Vesley shows that it is known to carry out a method wherein the water absorbing shaped body is

permeable (Column 6, lines 55-67; Column 7, lines 1-9; permeable~porous). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Vesley's permeable article as that during Golander's molding process in order to allow passage of desired fluids through the water absorbing body.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golander and Vesley, further in view of Phan et al. (U.S. Patent 6,022,610). Golander shows the process as claimed as discussed in the rejection of Claim 7 above, but he does not show a fiber substrate. Phan et al., hereafter "Phan," teaches a method for adding a water absorbent polymer congruent in shape to a capillary substrate (fiber base material) (abstract and col. 1, lines 33-39; 44-51 and col. 4, lines 10-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a capillary substrate (fiber base material), as taught by Phan, in the method of Golander because the capillary substrate (fiber base material) will have increased absorbent qualities.

Response to Arguments

Applicant's arguments, see the paper filed 15 October 2007, with respect to the rejection(s) of claim(s) 1-17 under Yamamura have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Golander and Vesley.

Conclusion

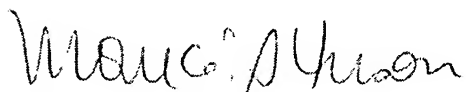
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monica A Huson

January 7, 2008